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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,889	08/06/2003	Mark Schiebler	10122-001	1604

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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This is the second office action for application number 10/635,889, Multi-Use Linkage Device, filed on August 6, 2003.

Election/Restrictions

Applicant's election with traverse of Species 27 (figure 31), corresponding to claims 1, 2, 12, 13, 18, 23, 24, 28-32, 34, 36, 42, 43 and 54, in the reply filed on November 1, 2004 is acknowledged. This is not found persuasive.

The traversal is on the ground(s) that the Examiner has failed to show that the examination of such distinct inventions would impose a burden on the PTO. It is first noted that the present application contains 44 species.

Further, the applicant contends the Examiner has failed to show either of the following: 1) a separate classification of the distinct inventions; 2) a separate field of search required for the distinct inventions; or 3) such inventions have achieved a separate status in the art, even though they are classified together. The above mentioned 1), 2) and 3) would be relevant if a restriction requirement was made as to *different inventions* as discussed in MPEP 808.02; however, the Examiner presented an election of *species* requirement, which is covered in MPEP 808.01(a).

The applicant continues by alleging that species 3 (figure 4) should be grouped with figures 1, 2A and 2B, that figures 9-13 should be grouped with figures 1, 2A and 2B and that figures 27, 28 and 29 should be grouped together. Finally, the applicant contends that these are only examples of species that should be grouped together.

It is noted that MPEP 808.01(a) essentially stipulates that the separate species must be patentable over each other. For instance, the species of figure 4 has "viper teeth", a feature not

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found in figures 1, 2A and 2B. Moreover, each of figures 9-13 is referred to in the specification as “another preferred embodiment”. If the species in these figures were unpatentable over each other or essentially the same, why would the applicant have referred to each as “another preferred embodiment”?

The requirement is still deemed proper and is therefore made FINAL.

Claims 3-11, 14-17, 19-22, 25-27, 33, 35, 37-41, 44-53 and 55-97 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 1, 2004.

However, in claim 1 (the only independent claim of the elected species 27 corresponding to figure 31), it is stipulated that the closure hub of the linkage device has an opening “to receive the second end of at least another linkage device *and said linkage device*.” It is just not seen in figure 31, nor in the description of figure 31 in the specification, how the opening of the closure hub of the linkage device receives the second end of itself.

Further, the “tampering detection device connected to the linkage device” is just not seen in figure 31 nor found in the description of figure 31 in the specification. Therefore, claims 1, 2, 12, 13, 18, 23, 24, 28-32, 34, 36, 42, 43 and 54 are withdrawn from consideration as being drawn to a non-elected species.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

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The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is

(703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a long horizontal flourish extending to the right.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
January 21, 2005